

REMARKS

Reconsideration is requested in view of the following remarks and the Terminal Disclaimer filed herewith.

Claims 29 and 30 have been rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 17 of US Patent 6,665,491, claim 4 of US Patent 6,374,037, claim 4 of US Patent 6,529,682, and claim 4 of US Patent No. 6,480,828. It is submitted that these rejections are overcome via the Terminal Disclaimer filed herewith.

Claim 29 has also been rejected under 35 U.S.C. § 102(e) as being anticipated by Otomo (US 6,640,045). This rejection is traversed for the following reasons.

Claim 29 recites “checking the status information” (as also recited in claim 29, the “status information” indicates “whether or not the second audio stream is provided for an after-recording operation and whether or not after-recording data is recorded to the second audio stream”), and “noticing that the second audio stream has already been after-recorded.”

Otomo discloses a playback operation, but does not disclose or suggest any “after-recording operation” as in claim 29.

The Examiner has asserted that “status information” of claim 29 corresponds to “AP_INF” and “TS_Ns” of Otomo. However, AP_INF is information indicating the playback status after the disk is loaded into the player, and it does not indicate “whether or not the second audio stream is provided for an after-recording operation and whether or not after-recording data is recorded to the second audio stream” as recited in claim 29. TS_Ns indicates the number of title sets. Thus, Otomo does not disclose the status information as recited in claim 29, and even if the AP_INF and TS_Ns were combined, such combination would not result in the status information recited in claim 29. Thus, Otomo also accordingly does not disclose or suggest checking such status information and/or noticing that the second audio stream has already been after-recorded as recited in claim 29.

In the Office Action, the Examiner indicates that the playback operation of Otomo is an after-recording operation. However, this is not correct. The after-recording operation is quite different from a playback operation. The after-recording operation is explained on pages 26-28

of the Specification of the present application (see, e.g., “After-recording operation of the DVD recorder”). As explained therein, the after-recording operation is carried out by a combination of a read operation and a write operation (see, e.g., “the drive overwrites the after-recorded data...” at line 22 of page 27, and Fig. 52B). Thus, it is apparent that an “after-recording operation” is quite different from a mere “playback operation.”

In view of the above, it is submitted that claim 29 is not anticipated by Otomo under 35 U.S.C. § 102(e), and is allowable over the prior art of record. Accordingly, the present application appears to be in condition for allowance.

The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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